

### **REMARKS**

This responds to the Final Office Action mailed on November 12, 2008. Claims 1-35 are canceled, and claims 36-65 are added; as a result, claims 36-65 are now pending in this application.

#### **Double Patenting Rejection**

Claims 16-21 and 29-34 were rejected under the judicially created doctrine of double patenting over claims 1-17 of Hawkins U.S. Patent No. 6,679,461 (Atty. Docket No. 558.003US1) in view of Arnold (U.S. Patent No. 5,172,097). Applicant has added new claims and requests reconsideration of those claims. Applicant will consider filing a terminal disclaimer once the claims are deemed otherwise allowable. The Examiner is invited to contact Applicant's representative by telephone at (612) 371-2185 to discuss prompt submission of a terminal disclaimer pending the Examiner's review of the claims.

#### **§§103 Rejection of the Claims**

Claims 6-7, 9, 11-16, 18-19, 21, 29, 31-33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins et al. (U.S. Patent No. 5,855,342; hereinafter "Hawkins '342") in view of Burgess et al. (U.S. Patent No. 7,102,089; hereinafter "Burgess") and in further view of Arnold (U.S. Patent No. 5,172,097; hereinafter "Arnold").

Applicant has canceled claims 6-7, 9, 11-16, 18-19, 21, 29, 31-33 and 35, rendering the rejection moot. New claims 36-65 have been added. Insofar as this rejection is applied to the new claims, Applicant respectfully traverses.

Applicant believes that the added claims more clearly define the present subject matter and differentiate from a pressure actuated switching device of Burgess. It is believed that this clarification further renders Burgess nonanalogous. In addition, Burgess is not directed to a support device to be installed on a rooftop to support elongate structures extending along a rooftop surface of the rooftop. Accordingly, Applicant respectfully submits that Burgess is improperly applied against the present subject matter relating to support elongate structures extending along a rooftop.

Applicant believes that the added claims more clearly define the present subject matter and differentiate from the security box of Arnold. It is believed that this clarification further renders Arnold nonanalogous. In addition, Arnold is not directed to a support device to be installed on a rooftop to support elongate structures extending along a rooftop surface of the rooftop. Accordingly, Applicant respectfully submits that Arnold is improperly applied against the present subject matter relating to support elongate structures extending along a rooftop.

Claims 20 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins in view of Burgess and in further view of Wong et al. (U.S. Patent No. 6,888,977; hereinafter "Wong").

Applicant believes that the added claims more clearly define the present subject matter and differentiate from liquid metal switch of Wong. It is believed that this clarification further renders Wong nonanalogous. In addition, Wong is not directed to a support device to be installed on a rooftop to support elongate structures extending along a rooftop surface of the rooftop. Accordingly, Applicant respectfully submits that Wong is improperly applied against the present subject matter relating to support elongate structures extending along a rooftop.

Claims 8, 10 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins in view of Burgess and in further view of Koncar et al. (U.S. Patent No. 5,942,347; hereinafter "Koncar").

Applicant believes that the added claims more clearly define the present subject matter and differentiate from fuel cell separator plate of Koncar. It is believed that this clarification further renders Koncar nonanalogous. In addition, Koncar is not directed to a support device to be installed on a rooftop to support elongate structures extending along a rooftop surface of the rooftop. Accordingly, Applicant respectfully submits that Koncar is improperly applied against the present subject matter relating to support elongate structures extending along a rooftop.

**CONCLUSION**


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2185 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date: April 13, 2009

By   
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 13, 2009.

PATRICIA A. HULTMAN

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Signature